Datatreasury Corporation v. Wells Fargo & Company et al Doc. 437

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATREASURY CORPORATION	§	
	§	
v.	§	Cause No. 2:06cv72(DF)
	§	
WELLS FARGO & COMPANY, ET AL	§	

THE BANK OF TOKYO-MITSUBISHI UFJ, LTD.'S
NOTICE OF ACCEPTANCE OF STIPULATION

The Court, having considered the parties' briefing and oral argument, ordered (Docket No. 411) a stay of proceedings related to the "Ballard Patents" in this case (U.S. Patent Nos. 5,910,988 and 6,032,137) in light of developments in the *ex parte* reexaminations initiated by First Data Corporation (hereafter "Petitioner") (Reexamination Control Nos. 90/007829, 90/007830). As a required condition of the Court's stay, Defendant the Bank of Tokyo-Mitsubishi UFJ, Ltd., hereby notifies the Court that it accepts the following stipulation and the concomitant stay of all proceedings:

> As a condition of the stay, Defendant may not argue invalidity at trial based on one or more prior art printed publications that were submitted by the Petitioner in the reexamination proceedings. However, Defendant will be permitted to reply for obviousness on the combination of a printed publication reference that was submitted by Petitioner in the reexamination with prior art that was not so submitted.

The Bank of Tokyo-Mitsubishi UFJ, Ltd.'s notes that it will work with Plaintiff in this matter to keep the Court apprised of developments in the reexamination which may impact the ordered stay.

Respectfully submitted,

YOUNG, PICKETT & LEE
4122 Texas Blvd.-P.O. Box 1897
Texarkana, TX-AR 75504-1897
Telephone: 903/794-1303

Dockets.Justia.com

Facsimile: 903/794-5098

By: */s/ Lance Lee*
Lance Lee
Texas Bar No. 24004762

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a). Therefore, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to FED.R.CIV.P. 5(d) and Local Rule CV-5(e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy via email transmission, facsimile and/or U.S. Mail this 23rd day of January, 2007.

/s/ Lance Lee
Lance Lee